HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

and

HONOURABLE SRI G. BHAVANI PRASAD

WRIT PETITION No : 1030 of 2006

Between:

G. Narayana, S/o. Late Naganna,

Retired Government Servant and President, Kurnool District

Government Class-IV Employees Cooperative

House Building Society Ltd.,
Kurnool.

..... PETITIONER

AND

Government of Andhra Pradesh represented

by its Secretary, Revenue Department,

Secretariat Buildings, Hyderabad and others.

...Respondents

::ORDER::

Counsel for the Petitioner : Mr. SHFATH AHMED KHAN

Counsel for the Respondent Nos.1&3 : GP FOR REVENUE

Counsel for the Respondent No.2 : G.P. for Municipal Administration &Urban Development

Counsel for the respondent No.4 : Mr. S.I. Newton

January 27, 2006

Per G.S. Singhvi, CJ

This petition filed by G. Narayana claiming himself to be President of Kurnool District Government Class-IV Employees Cooperative House Building Society Limited, Kurnool in the name of Public Interest for issuance of a mandamus to the respondents to take action to remove encroachments made over the lands earmarked for public purpose is liable to be dismissed summarily because,

i. the petitioner has not produced any evidence before the Court to show that any public land has been encroached;

ii. the petitioner has not disclosed the names of the persons who are said to have encroached the public land;

iii. the petitioner has not impleaded the alleged encroachers as party respondents and without hearing such persons, no order prejudicially affecting their rights can be passed.

After this part of the order was dictated, learned counsel made a submission that about 1500 persons have encroached on the land of the society. In our opinion, no cognizance be taken of this statement because the petitioner has not produced any material before the Court to show that the land of the society has been encroached by someone. In any case, an omnibus direction cannot be given for removal of the alleged encroachment of the land of the society because the persons who are in possession of the land have not been impleaded as party respondents.

For the reasons mentioned above, the writ petition is dismissed.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

January 27, 2006

Pnb / svs